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1st Session

COMMITTEE PRINT NO. 5

MEMORANDUM

OF THE

CHAIRMAN

TO THE

SENATE COMMITTEE

ON

INTERIOR AND INSULAR AFFAIRS

ON

CONSTRUCTION PROGRAM

FOR

HARDIN UNIT (YELLOWTAIL DAM), MISSOURI RIVER BASIN PROJECT, MONTANA

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DECEMBER 6, 1955

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MEMORANDUM ON CONSTRUCTION PROGRAM FOR HARDIN UNIT (YELLOWTAIL DAM), MISSOURI RIVER BASIN PROJECT, MONTANA

DECEMBER 6, 1955.

To the Members of the Senate Committee on Interior and Insular Affairs:

As shown by my attached letter to Secretary of the Interior McKay, I am calling a conference with Interior and Reclamation officials for 330 ~~1~~ p. m., Friday, December 9, in room 224, Senate Office Building, on the Yellowtail Dam construction program which has been before us in one form or another for nearly a year. Copies of my letter to the Secretary were sent to the personal attention of Under Secretary Davis, Assistant Secretary Aandahl, and Commissioner of Reclamation Dexheimer.

As you will note, my letter is concurred in by Senator Mansfield and Representative Metcalf of Montana.

My purpose in calling this conference is to bring to a head the long-delayed program, the initiation of which was approved by the Congress and signed into law by President Eisenhower in the Public Works Appropriation Act for 1956 on July 15, 1955.

It is my feeling as expressed in the letter to Secretary McKay that the Department of the Interior is under a mandate from the Congress to take the necessary steps to proceed with construction of Yellowtail Dam. The Senate Appropriations Committee has spoken unmistakably on the procedure for the Secretary of the Interior to follow, and it is clearly the responsibility of the Committee on Interior and Insular Affairs to look into the execution of congressional mandates on programs within its jurisdiction.

Reference is made to Committee Prints 2, 3, and 4 on this subject for further information.

I hope you will be able to be present at the conference.

Sincerely,

(Signed) JAMES E. MURRAY,
Chairman.

UNITED STATES SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
December 5, 1955.

Hon. DOUGLAS MCKAY,
The Secretary of the Interior,
Department of the Interior, Washington 25, D. C.

DEAR MR. SECRETARY: I respectfully bring directly to your attention the continued delay in initiating construction of Yellowtail Dam, Missouri River Basin project, Montana-Wyoming. In this connection I urge that you take immediate steps to carry out the mandate

of the Senate Appropriations Committee (first sentence, par. 22, p. 10, Rept. No. 700, to accompany H. R. 6766) which reads as follows:

> The Yellowtail Dam and Reservoir will occupy Crow Indian lands and the Secretary should proceed, under whatever statutory authority may be available to him, immediately to secure the rights-of-way necessary for the dam, reservoir, appurtenances, and associated works. However, it is not the committee's intent that the immediate securing and occupancy of the necessary rights-of-way shall operate to deprive the Indians of fair compensation for their lands.

Buttressing this direction of the Senate Appropriations Committee was the approval by Congress of the $4 million allocation to the Hardin unit (Yellowtail Dam) in the public works appropriation bill, fiscal year 1956, which was subsequently approved by both Houses of Congress and signed into Public Law 163 by the President on July 15, 1955.

The correspondence in Committee Prints 2, 3, and 4 relating to Yellowtail Dam will give the background of our position. On page 4 and 5 of Committee Print No. 3, dated July 19, 1955, is the opinion of the Solicitor of the Department in the form of a memorandum to you dated February 3, 1954, which confirms the authority in the Department to proceed with the construction of the Yellowtail Dam, etc.

We feel sure you are aware of the exhaustion of efforts at negotiation with the Crow Indian Tribe for the necessary rights-of-way. Under the circumstances, it is our belief that the Congress will assure the Crow Indian Tribe full and just compensation for such rights-of-way as may be required in the construction and operation of Yellowtail Dam.

In view of the time element with respect to getting construction of the dam underway in order to avert delay for another construction season, you and members of your staff that you may select are invited to a conference on this subject with the Senate Committee on Interior and Insular Affairs, room 224, Senate Office Building, Friday, December 9, at 2 p. m.

Sincerely yours,

(Signed) James E. Murray,
JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs.

We concur:

(Signed) Mike Mansfield,
MIKE MANSFIELD,
United States Senate.

(Signed) Lee Metcalf,
LEE METCALF,
Member of Congress.

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